## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

## **NOT FOR PUBLICATION**

GIORGIO GORI USA

Plaintiff,

: Civil Action No. 11-4939 (ES)

v. : ORDER

COASTAL RECOVERY : CORPORATION, et al. :

Defendants.

## SALAS, DISTRICT JUDGE

This matter having come before the Court on Giorgio Gori USA's ("Plaintiff") motion for default judgment against Coastal Recovery Corporation ("Defendant") (Docket Entry No., "D.E." 9) pursuant to Federal Rule of Civil Procedure 55(b)(1), and the Court having considered Plaintiff's submissions, DENIES Plaintiff's motion without prejudice, with leave to re-file the motion, attaching proof that the motion was served on Defendant and attaching a copy of the "Agreement," referenced in the Complaint and the motion for default. The Court finds as follows:

- 1. Plaintiff commenced this action on August 26, 2011. (D.E. 1).
- 2. Service of a copy of the Summons and Complaint was effectuated upon Defendant on September 8, 2011. (Declaration of William E. Lakis, D.E. 6-2 ¶ 4).
- 3. On October 5, 2011, Plaintiff requested default, (D.E. 7), which the Clerk of Court entered against Defendant on October 6, 2011. (D.E. 8).
- 4. On December 8, 2011, Plaintiff moved for default judgment as to Defendant Coastal Recovery Corporation (D.E. 9); however, it is unclear from the record whether Plaintiff has provided Defendant with notice of the motion for default judgment and related documentation.
- 5. Although Plaintiffs request a sum certain, include an affidavit, and attach a payment schedule, (D.E. 9-1 & Ex. A), the Court is unable to locate a copy of the "Agreement"

upon which the action is based, and therefore has no context within which to assess the merits of Plaintiff's request for a sum certain.

Accordingly, IT IS on this 7th day of August, 2012,

**ORDERED** that Plaintiff's motion, (D.E. 9), is DENIED without prejudice with leave to re-file; and it is further

**ORDERED** that the Clerk shall terminate the motion at Docket Entry No 9.

s/Esther SalasEsther Salas, U.S.D.J.